

**IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL**

Writ Petition No. 590 (SS) of 2007

Jugal Kishre Bhatt, son of Sri Devi Dutt Bhatt, R/o village Bishar, Post Office – Bishar, Tehsil And District – Pithoragarh, presently serving as Block Organizer, Home Guard, Department, Haldwani, Nainital.

.....**Petitioner.**

Versus

1. Union of India through its Chairman, Central Advisory Committee, Gate No. 31, Jawahar Lal Nehru Stadium, Lodhi Road, New Delhi.
2. Union of India through Secretary, Ministry of Personnel Public Grievances and Pension, New Delhi.
3. State of Uttarakhand through Secretary, Home, Uttarakhand Shashan, Dehradun.
4. Commandant General, Home Guard, Uttarakhand, Dehradun.
5. Commandant General, Home Guard, U.P. Lucknow.
6. State of U.P. through Secretary, Home Department, U.P., Lucknow.

.....**Respondents**

Hon'ble M.M. Ghildiyal, J

Heard Sri K.N. Joshi, learned counsel for the petitioner Sri H. M. Raturi, learned Standing Counsel for State of Uttarakhand on behalf of respondent nos. 3 and 4, learned standing counsel for Union of India on behalf of respondent nos. 1 and 2 learned standing counsel for State of U.P. for respondent nos. 5 and 6.

Learned counsel for both the parties agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner has prayed for the following reliefs:

- I. *Issue a writ order or direction in the nature of Certiorari to quash the impugned order dated 11.05.2007 (Annexure no. 11 to this writ petition) passed by respondent no.4.*
- II. *Issue a writ, order or direction in the nature of Mandamus directing the respondents not to relieve the petitioner for State of U.P.*
- III. *Issue a writ, order or direction in the nature of Mandamus directing the respondents to declare final allottee to the petitioner for the Uttarakhand cadre with all consequential benefits.*
- IV. *Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.*
- V. *Award the cost of the petitioner.*

The stand of the petitioner is that petitioner is permanent resident to State of Uttarakhand. He was appointed as Block Organizer in the respondent department on 18.08.2000. In pursuance to his appointment, he was sent for training with effect from 24.08.2000 to 01.10.2001. When petitioner was in training, State of Uttarakhand was created. During training period on 12.03.2001 Senior Staff Officer, Home Guard Headquarter, U.P., Lucknow invited options from the petitioner for State of Uttarakhand or State of U.P. In pursuance to the aforesaid order, petitioner has opted for State of Uttarakhand. Option of the petitioner was duly recommended by the authority concerned. However, by the impugned order dated 11.05.2007 petitioner is asked to be relieved for State of

U.P. In the impugned order, it is stated that persons, who have opted for State of U.P. may be relieved by 31.05.2007.

The submission of learned counsel for the petitioner is that he has never opted for State of U.P. and for the first time option was invited from the petitioner in March, 2001, when he was in training and in response thereto, he has opted for state of Uttarakhand.

In these circumstances, I deem it fit and proper to direct the petitioner to make representation for rectification of mistake before the authority concerned within a period of ten days from today and it is expected from the authorities concerned to take decision on the representation of the petitioner within a period of three weeks from the date of receipt of certified copy of this order along with representation, if any moved the petitioner. Till 30.06.2007 or till the decision is taken by the authority concerned on the representation of the petitioner, whichever is earlier, petitioner may not be relieved for State of U.P.

With this direction, the writ petition as well as stay application is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

May 25, 2007
SKSHARMA